

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MENDEL ROSENBERG and ARLINGTON
RETREAT LLC,

Plaintiffs,

- against -

AMGUARD INSURANCE COMPANY,

Defendant.

Docket No.: 25 CV 2508

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant AmGUARD INSURANCE COMPANY (“AmGUARD”) hereby files this Notice of Removal of the above-captioned action to the United States District Court for the Southern District of New York from the Supreme Court of the State of New York, Orange County, where the action is now pending under Index No. EF001556-2025 and states:

1. On February 13, 2025, Plaintiffs Mendel Rosenberg and Arlington Retreat LLC (collectively “Plaintiffs”) commenced this action in the Supreme Court of the State of New York, Orange County by filing a summons and complaint (the “Complaint”).

2. Upon information and belief, on February 19, 2025, Plaintiff caused the Complaint to be served on AmGUARD via the New York State Department of Financial Services (“DFS”), which purported to mail the Complaint to AmGUARD on or about February 25, 2025.

3. This action is a civil action to recover for alleged damages under an insurance policy and the United States District Court for the Southern District of New York has jurisdiction by reason of the parties’ diversity of citizenship.

4. Upon information and belief, Plaintiff Rosenberg is now, and at the time the action was commenced, a resident and domiciliary of the State of New York, County of Monroe.

5. Upon information and belief, Plaintiff Arlington Retreat LLC is now, and at the time the action was commenced, a New York limited liability company with Plaintiff Rosenberg as its sole member.

6. Defendant AmGUARD is a foreign corporation organized, formed and incorporated under the laws of Nebraska with its principal place of business located in the State of Pennsylvania, County of Luzerne.

7. The Complaint seeks damages in excess of \$75,000 exclusive of interest and costs.

8. No change of citizenship of the parties has occurred since the commencement of the action.

9. Accordingly, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

10. A copy of all process and pleadings sent to AmGUARD is attached hereto as Exhibit “A” and filed with this notice.

11. This Notice of Removal is being filed within thirty (30) days after the Complaint was served on DFS and is timely pursuant to 28 U.S.C. § 1446(b).

12. Promptly after the filing of this Notice of Removal, AmGUARD will give written notice thereof to Plaintiffs’ attorneys of record and will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, Orange County, thereby effecting removal of the Action pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, since all of the prerequisites for diversity jurisdiction are present, AmGUARD respectfully requests that this action proceed in the United States District Court for the Southern District of New York as an action properly removed to it.

Dated: New York, New York
March 26, 2025

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